IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 14663 of 2005

Between:

Chakali Veerabadrappa, S/o. Bheemappa,
R/o Malayanur Village, Kundirpi Mandal, Anantapur District.

..... PETITIONER

AND

1. The Mandal Revenue Officer Kundirpi Mandal, Anantapur District.
2. The Village Secretary, Malayanur Village, Kundirpi Mandal, Anantapur District.

(Name of the second respondent was deleted as per the Court order,

dated 11-07-2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, more particularly one in the nature WRIT OF MANDAMUS declaring the action of the respondents in alienating the petitioners patta land in Survey No. 391-2A/1, extent of Ac.4-00 cents, in Malayanur Village, Survey No. 391-2A/1, extent of Ac. 4-00 cents, in Malayanur Village, Kundirpi Mandal, Anantapur District, to the third prays with out giving notice, without following due process of law is illegal, unjust, and consequently direct the respondents not to alienate the petitioners patta land in Survey No.391-2A/1, extent of Ac.4-00 cents, in Malayanur Village, Survey No. 391-2A/1, extent of Ac. 4-00 cents, in Malayanur Village, Kundirpi Mandal, Anantapur District, without giving Notice, without following

due process of law.

Counsel for the Petitioner: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondent No.1: GP FOR REVENUE

This Court at the admission stage made the following:

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O R D E R:

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The petitioner seeks a Mandamus declaring the action of the respondents in alienating the land belonging to the petitioner to an extent of Ac.4-00 cents in Sy.No.391-2A/1 situated in Malayanur village, Kundirpi Mandal, Anantapur District, to third parties without giving notice and without following due process of law as illegal and arbitrary, and consequently to direct the respondents not to alienate the petitioner's patta land without following due process of law.

It is stated that the petitioner belongs to weaker community i.e. Chakali (Dhobi) and is a landless poor person. On 25-04-1998, the first respondent granted pattadar pass books in his favour in respect of the land-in-question and that he has been in possession and enjoyment of the said land for the last two decades. It is also stated that on 04-07-2002, the first respondent issued drought relief cheque bearing No. 526486 for Rs.1,900/- in his favour in respect of the said land and that on 28-07-2004, he obtained a crop loan for a sum of

Rs.15,000/- from the Andhra Bank, Mulakaledu Branch by mortgaging the said land. It is further stated that he has been paying the land revenue to the Government in respect of the said land and the first respondent issued No.3 Adangal, dated 23-06-2005, in his favour for the fecilies 1413 & 1414, wherein his name was shown in the pattadar column and that his name was also mutated in the revenue records. While so, the first respondent under the influence of the second respondent is trying to alienate the said land to the third parties without following due process of law. Hence, this writ petition.

Having heard the learned counsel for the petitioner, the learned Government Pleader, and perused the material available on record, and in view of the facts and circumstances of the case, I am of the opinion that in case the patta granted in favour of the petitioner is subsisting, he cannot be dispossessed from the land-in-question without following due process of law. In view of the same, I deem it appropriate to direct the first respondent not to dispossess the petitioner from the land-in-question without following due process of law.

The writ petition is accordingly disposed of directing the first respondent not to dispossess the petitioner from the land-in-question without following due process of law, if the patta granted in favour of the petitioner is subsisting as on today. No costs.

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(ELIPE DHARMA RAO, J)

Date:13-07-2005

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To

1 The Mandal Revenue Officer Kundirpi Mandal, Anantapur District.
2 Two copies to G.P. for Revenue, High Court buildings, Hyderabad.(O.U.T.)

3 2 CD copies